City of Lafayette
City Council Regular Meeting
Joint Meeting with Code Enforcement Appeals Hearing

MINUTES

Lafayette Community Center -- Manzanita Room **April 28, 2008**
500 St. Mary's Road, Lafayette, California **7:00 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: City Council: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson, Anduri and Federighi

Code Enforcement Appeals Hearing Board: Clyde Long, Chair and Ned Robinson, Member

Absent: None

Staff: Steven Falk, City Manager; Mala Subramanian, City Attorney; Ann Merideth, Community Development Director; Leah Greenblat, Transportation Planner; Joanne Robbins, City Clerk. Mark Robbins, Code Enforcement Officer.

3. PLEDGE OF ALLEGIANCE – led by Mayor Anderson.

4. ADOPTION OF AGENDA

Mayor Anderson reported there were public speakers in the audience to speak on Item 11B on the Consent Calendar regarding the agreement on Town Center and he confirmed with the Council and audience it would remain on the Consent Calendar. Councilmember Andersson said he would need to recuse himself from voting on the item.

Mayor Anderson reported a request to take Item 13C out of order and consider it with Consent Calendar Item 11L. The Council agreed to merge the discussion of Item 11L with Item 13C.

ACTION: It was M/S/C (Tatzin/Federighi) to adopt the agenda, as amended. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

5. REPORT FROM CLOSED SESSION - None

6. PUBLIC COMMENT - None

7. PRESENTATIONS

Convene joint session with Code Enforcement Appeals Hearing Board

ACTION: It was M/S/C (Tatzin/Federighi) to convene joint session with Code Enforcement Appeals Hearing Board. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

A. Code Enforcement Appeals Hearing Board – Status Report
Recommendation: Receive and File.

Chair Long said the Appeals Hearing Board has not met formally to hear any appeals in the last year. There has been a reformulation of their mission and work done by Mark Robbins, Code Enforcement Officer, and reports indicate there have been approximately 100 matters handled last year, and through March of 2008, there are 37 active files. He said there is a new process in place where City staff and the Code Enforcement Officer can issue citations and upon receipt of one of those and having the desire to appeal would an alleged violator come to them on an appellate basis.

Board Member Robinson said staff is doing an outstanding job, are reaching compromises with those being cited, and none of the violators have felt it necessary to appeal to the Board. Chair Long said this coming year, the Code Enforcement Officer will especially be focusing on sign issues.

The Council thanked the Board for their work over the last year.

Adjourn joint session with Code Enforcement Appeals Hearing Board

ACTION: It was M/S/C (Tatzin/Federighi) to adjourn the joint session. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

B. Eliot R. Hudson, Acalanes Ridge Committee
East Bay Regional Parks District AA Bond Measure Extension and preservation of Acalanes Ridge
Recommendation: Receive and File.

Eliot Hudson, Acalanes Ridge Committee, said East Bay Regional Parks District is planning on placing a bond measure on the November ballot that asks the voters to vote to extend the AA Bond Measure, the purpose of which will allow the District to acquire additional land as well as to improve existing facilities.

He said the Committee believes the measure has a good chance of passing, said they submitted a letter to the City Council and are concerned in protecting open space along the eastern border of Lafayette, specifically those areas contiguous to areas already protected as open space, along with the areas protected by the Walnut Creek Open Space Foundation. They have discussed the matter with East Bay Regional Parks District at a public meeting and held conversations with staff about the possibility of using the AA Measure Extension funds to acquire property currently within the City of Lafayette in the area. There is urgency because the District is putting together its list of what they consider regional projects to fund with the bond measure. Regional projects

are to be funded with 75% of the bond measure funds that the District is allocating to itself and the extension also includes 25% of funds to be allocated to communities on a per capita basis for their use in park related measures.

The District staff has suggested those areas could be protected with the per capita funds allocated for Lafayette and the Committee has indicated their interest in seeing the area designated for regional project funding for several reasons, one of which is because the property is regional in its importance and said the Chair of the Walnut Creek Open Space Foundation is present and can comment on this to reinforce the Committee's position.

They also believe it is appropriate to have the property designated as a regional project rather than per capita funding because if Lafayette had to acquire property in this area under current values, it would utilize a substantial part of the funding available for Lafayette.

Mr. Hudson requested the Council approve a letter for the City to send to the Board of the East Bay Regional Parks District asking them to designate this property as a regional project. He asked that the Council act on this quickly, the regional project list has already been put together in draft form, the public comment procedures are underway and will conclude soon, with the Board taking action within the next couple of months.

Upon request of Councilmember Anduri, Mr. Hudson described the specific parcels on a map. He referred to the letter describing the properties and confirmed it was 22.5 acres in the upper portion which had been listed for sale last fall. Mr. Hudson said he was not sure about the lower portion's status, but the bond measure would designate areas and not specific parcels for acquisition and they are framing their request to be consistent with that.

Councilmember Andersson referred to the two current open space areas shown on the map and he confirmed that the Walnut Creek Open Space Foundation currently maintains those parcels. Mr. Hudson further described the incorporated and unincorporated areas of Walnut Creek and Lafayette boundaries.

City Attorney Subramanian said what the Council may not realize is that a portion of the property being discussed will come before the Council in the very near future for development and staff has concerns about discussing it as it relates to the pictures that were shown and the property as a whole. Therefore, if the Council decides to sign and send the letter, the City would want to add some language to show the Council was not making any pre-determination, should the application actually come before the Council.

Public Comments:

GUY ATWOOD, Springhill Valley Homeowners Association, said their Board has met and voted to support the group's efforts to solicit a letter in support of the item being added to the Parks District list for regional funding. He said they believe it is a regional project because through efforts they have made in Springhill Valley, part of the Briones Trail connects up in Springhill and they are making some progress in getting a trail that would go to Pleasant Hill Road, cross it and connect up with this trail.

BOB SIMMONS, President of the Walnut Creek Open Space Foundation, said they have been working with the Secluded Valley Homeowners Association and have been meeting with officials of Walnut Creek to try and get them to work with the City of Lafayette and focus attention so the property can be acquired. He said the property is an important wildlife corridor and they would like to see it preserved in its current state.

Councilmember Anduri thanked the Committee for bringing the item to the Council and voiced support for sending the letter with the additional suggested language of the City Attorney.

Vice Mayor Tatzin confirmed with Mayor Anderson that the project list is in draft form and the decision on finalizing it will be in June. Mayor Anderson said he met both Mr. Simmons and Hudson at the public meeting, learned of the project, believes it is a great effort and supported amendment of the letter to add the City Attorney's language.

Councilmember Andersson believed that an excellent argument is that it is a regional resource and also that Lafayette would not have any money to do other projects, and that those projects could be lost, if not protected. He also suggested that instead of the letter stating, "The likely cost of preserving Acalanes Ridge would exhaust substantially all of Lafayette's per capita allocation" he suggested replacing it to state, "Since Lafayette is likely to have a variety of demands on those funds, it is not clear that preservation of the ridge would happen."

ACTION: It was M/S/C (Tatzin/Andersson) to direct staff to amend letter of support to reflect the City Attorney's language and Councilmember Andersson's language for the Mayors' signature (without it returning to the Council). Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

8. OLD BUSINESS

A. Steven Falk, City Manager

Feasibility Assessment, Planning, and Public Information Services for a November Tax Revenue Measure

Recommendation: Direct the City Manager to engage Tramutola for professional services related to a feasibility assessment, planning, and public information services for a November tax election. Allocate $71,000 from General Fund Reserve to program 11-540-861.

City Manager Falk said the City of Lafayette has failed in four recent attempts to pass specific tax measures, each of which would have required a 2/3 plus 1 majority vote; two for Police and two for road repairs. Funding shortfalls continue to persist, said two thorough studies have been conducted on police staffing and results suggested the City would benefit from adding 5-8 additional officers which would bring the City up to industry standards, with a cost of between $1-1.6 million. The City passed a bond measure in 1995 that raised $13 million for roads, and between a number of grants and other funds, $15 million has been spent on roads, and there are still 114 failed streets in the City. It is estimated that 17% of the City's public roads are in poor or failed conditions and 4,000 residents live on failed roads.

Mr. Falk said there has been some relief in knowing the City may receive money from the Palos Colorados settlement, it may receive money paid back to the General Fund by

the Redevelopment Agency, but this was uncertain. There is roughly $34 million needed in road repair over the next decade and approximately $14 million is unfunded.

He said last Spring, the City proposed a process for the Downtown Assessment District to pay into a district to be used to cover maintenance along the Mt. Diablo Boulevard corridor, which was rejected, leaving about $250,000-$500,000 a year in unfunded maintenance and the Downtown Strategic Plan would call for enhanced landscaping. Mayor Anderson has been insistent in his desire to plan for maintenance funding in the downtown if such medians and landscaping is installed.

Also, Mr. Falk said along with roads, police and downtown maintenance, there are other funding pressures such as the need for senior transportation, for a fund available when open space opportunities present themselves, for cultural resources in the downtown, and the City Council should consider whether a general tax rather than a specific tax is something appropriate at this time. He said the advantage of a general tax is that it requires a 50% plus 1 majority to pass, said the most recent amendments to Proposition 13 preclude general taxes to be levied upon property, so an ad valorem or flat tax cannot be used, and also required is that general taxes be placed before the voters during a general election when Councilmember candidacies are before the voters.

Since the general tax cannot include a property based tax, it limits the City to four options; a sales tax increase; a utility user's tax, a business license fee; or a transient occupancy tax. The voters did approve an increase in the TOT two years ago to fund improvements to Mt. Diablo Boulevard and the signal in front of the Lafayette Park Hotel from 8% to 9.5% which is close to all cities in the County and he recommended the Council not consider at this time.

He said Table B describes the estimated annual proceeds would be from the three remaining taxes to be considered:

- Sales Tax increase of 1/2% - $1.3 million annually
- Sales Tax increase of 1% - $2.6 million annually
- Utility User's Tax of 5% - $2.25 million annually (for water, sewer and power)
- Utility User's Tax of 10% - $4.5 million annually (for water, sewer and power)
- Business License Tax of $250/business - $350,000 annually
- Business License Tax of $500/business - $850,000 annually
- Business License Tax of $1,000/business - $1.85 million annually

Mr. Falk said because the City has had little success in funding shortfalls, said he and the Mayor and Vice Mayor have met as a subcommittee with the Tramutola firm who has provided support to four consecutive, successful measures of the Lafayette School District. Staff has briefed the Council on meeting results at the last two Council meetings and directed staff to solicit a proposal from Tramutola to conduct a public opinion survey to test resident's support for any and all tax ideas. The proposal is attached to the staff report, which calls for an inclusive proposal in an estimated cost of $71,000.

Councilmember Federighi questioned what the range of expenses beyond the $71,000 might be because the proposal does not include expenses, which is anticipated to be approximately $1,000. Also, the actual cost for mailers is not included in the $71,000;

however, this would cost approximately $1/household or $2,000, which is included in the Vistas budget.

Mr. Falk confirmed with Councilmember Federighi that the $71,000 would also likely be spread over two fiscal years. Therefore, based upon the City's on-going funding shortfalls and Tramutola's success record, he said it is staff's recommendation that the Council allocated funding for the feasibility assessment and direct the City Manager to execute the agreement.

Councilmember Federighi clarified and confirmed with the City Manger that the City would not be tied to the entire proposal if the feasibility assessment was unfavorable, which is broken out and identified on page 5 and 6 of the proposal.

Councilmember Federighi referred to page 3 of the staff report, said a utility user's tax of 10% would net an estimated $4.5 million, and she asked where this would place the City in terms of comparison to other communities. City Manager Falk said about 165 cities in California have utility user's taxes and it was his understanding that the cities of Richmond and El Cerrito were currently at 8%.

Councilmember Anduri questioned and confirmed with the City Manager that none of the funding would go for actual campaigning, which is illegal. He questioned how the firm would conduct the research and what kind of amounts would they be testing. City Manager Falk said staff and the subcommittee spoke with the polling firm, they recognize it is a difficult process when there are many funding needs and said one reason the survey is more expansive than done in the past is due to that reason.

Councilmember Andersson said given there are three clear interest groups, he asked how the polling firm would factor in the work of these active groups. City Manager Falk said it is expected that there would be a high turnout at the November election, a high turnout of Democrats, and the challenge will be to penetrate everyone to get out and vote on the entire ballot.

Councilmember Federighi confirmed with Mr. Falk that Mr. Tramutola was not bothered by the fact there would be other measures on the ballot such as the school district, and that it could work toward the City's benefit. Mr. Falk said Jim Negri, Superintendent was present and the high school will seek a renewal of their bond measure in the same amount.

Councilmember Andersson referred to page 2 of the proposal and successful tax measures and he questioned if someone has seen any unsuccessful campaigns and what their success rate is, and Mr. Falk said he has not seen this.

Public Comments:

GORDON MATTONEN suggested the proposal be re-considered, believed the fees add up to $99,650 and not $71,000, voiced concern that the City's budget while sophisticated is a household budget and high priority, must-pay items should be addressed and use remaining money for discretionary items. To him, police and roads are high priority items and should be funded by the City first.

Vice Mayor Tatzin clarified that the proposal indicates one or the other and not both, so the total of the surveys are either $37,500 or $33,500 which equals $71,000.

Councilmember Anduri questioned if Mr. Mattonen is suggested the ballot just fund either roads or police, and Mr. Mattonen said he believed the City should save the cost of the proposal and not put the measure on the ballot, as City priorities should be changed such that discretionary items would be secondary. He also suggested the measure have a termination date because the need for funding would expire at some point in time.

JIM NEGRI, Superintendent, Acalanes Union High School District, said he sympathizes with the City's challenge, said it is early in the process with no option being made this evening, acknowledged the State budget crisis has forced public agencies to look to other revenue sources and asked that in moving forward in the process, take into consideration public agencies because some options have different impacts. They exempt City property in their Measure A and asked the Council to take into consideration this fact. He also said he has worked with Mr. Tramutola in several previous districts and has had great success with him.

TIM KEAN voiced concern that the City would spend more money to determine what was learned in the last four elections, said the citizens do not want to pay for such taxes, and asked not to waste more money.

Councilmember Andersson said the City actually learned that over 60% of voters do want to pay taxes for roads and police. Mr. Kean noted that school taxes are a totally different issue, acknowledged schools are important, people see the value they are getting and he felt the value was not the same for roads and police.

GEORGE BURTT shared the previous two speakers' concerns; however, he appreciates what the City is doing, said he realizes the Council has a fiduciary responsibility to its citizens to enhance revenues; that none of the things are frivolous, hoped to move forward with the proposal, cited the many of the small increases citizens must pay each month, said he is willing to make the investment if fair, said in the City of Oakland handles their business license tax based on gross receipts, and believed there is a way to tax people who own buildings which are not necessarily businesses.

GUY ATWOOD said the Lafayette Homeowners Council has not had time to discuss the item and have no official position, suggested the City conduct a feasibility study of $15,000, get those results and then decide committing to other items. He said the Roads Task Force met and discussed every single option. They initially believed the other approaches were the best ones, and encouraged a fourth option to include a small road tax in the feasibility study in order to make a major dent in road repairs. He also said they will try and support the City as best they can in passing the measure.

Councilmember Anduri questioned if Mr. Atwood was proposing the fourth option be a property or parcel tax, or using one of the three options to fund just roads. Mr. Atwood said he was not sure this could be done, but his thought was that it should be a parcel tax for $14 million versus one for $24 million. But, if there is away of doing it without a parcel tax, this would be fine, as well.

City Manager Falk said some cities have used an A+B approach where Measure A would say, shall the City impose a 5% utility tax, and Measure B would say, if Measure A is successful, shall the entire proceeds of Measure A be dedicate to i.e., roads or police. Each of the two measures would require a 50% plus 1 majority.

TRACI REILLY questioned if staff could extrapolate information from previous studies rather than paying for an entirely new feasibility study. She agrees that many of the same questions continue to be asked of voters and she felt it would be prudent to use information already possibly obtained.

City Manager Falk said this is the first time the Council has discussed placing a general tax rather than a specific tax on the ballot, so each of the surveys done in the past has been targeted toward specific tax questions. Also, staff knows that roughly 3-5% of the population changes in Lafayette each year, so in 4 years, 16% of the population can change which would represent a large difference in terms of votes. Therefore, data should not be relied upon that is 4 years old to inform a decision in the upcoming general election.

JAY LIFSON, Lafayette Chamber of Commerce, said the Board has not had a chance to review the matter, have no position on the decision; however, the Chamber would probably oppose any kind of sales tax, and if 1% sales tax is suggested, it would make this the highest sales tax in the State. He pulled up some of the numbers from the previous polling, and in 2005, a general sales tax received 33% favorability. Utility user's tax was polled twice in 2003 and 2007 for 8%. In 2003, 29% favored and in 2007, 21% favored, which was the lowest polled. Regarding TOT, the City is currently at 9.5%. Surrounding cities are at 10% to 14%; however, the incremental change does not result in much annually.

Councilmember Anduri said as much as the City might like to re-allocate money, there is none to increase the police force by 5 officers, there is no money to fix all the roads, and additional revenue is needed. Secondly, there is a desire of the majority of residents to have more police officers which has been demonstrated as well as a desire to repair all of the roads. He believed the City does have an obligation to do whatever it can to have the will of the majority prevail and find funds to fix roads and increase police, which are the highest priorities.

Regarding other items, Councilmember Anduri voiced concern as to how those will be addressed because the Council has not held discussion with respect to other possible uses of the funds, such as enhancing library hours, senior transportation, recreation services and open space and preservation of cultural assets in the downtown. He suggested aiming for police and road funding and go back during another general election for other items to be funded. Regarding the specific proposal, he supported moving forward with it.

Councilmember Federighi questioned the difference between Phase I feasibility assessment which is $15,000 and Phase I feasibility assessment for two different surveys for $28,000 or $33,000. City Manager Falk said fees would go toward the consultant who has expertise in understanding the community and shaping tax measures for success. The Gothe firm is purely a research polling firm and they assess how to ask the right questions to determine citizen support.

Vice Mayor Tatzin referred to the bottom of page 4; "Develop, implement and analyze a split sample poll of Lafayette voters" and the two options identified at the top of page 6, stating if one takes the $15,000 combined with whichever of the polling options chosen ($28,675 or $33,475), it would be included as Phase I.

Councilmember Federighi said she would support the proposal, but would not want to commit to more than a feasibility assessment at this time because she did not know how it would turn out. Mayor Anderson confirmed she was comfortable with a commitment of ±$40,000 for Phase I, and Councilmember Federighi agreed but said she wished it was less.

Councilmember Andersson acknowledged everyone's frustration, said general taxes have their own set of obstacles to overcome, but he believed it was worth getting information as to whether the special options can be overcome. It may be identified that certain options are not popular and some are more popular, he believed November may prove to be a unique opportunity and supported moving forward.

Vice Mayor Tatzin said what everyone needs to remember is that regardless of whether we think there are limited opportunities to save money in the budget or re-allocate money, many residents believe this and the City sees things after the surveys have been done which will not go away just because the City holds another election. He also recalls the numbers Mr. Lifson presented, but he believes this might be a slightly different context, but one of the things learned is that residents are more comfortable in talking about a tax for specific uses than they are about a general tax. Also, it is clear there will be opposition which might be more effective than the proponents, so he supported doing a survey and if it does not show something well in excess of 50%, then the City should proceed with believing it will pass.

He acknowledged that the City has a fiduciary responsibility to bring to the attention of voters the things it believes should be done and let the citizens choose what they want to do, this was done and many voted for more services and not fewer services, but it has been a long time since there was a general tax election. Therefore, he supported Phase I to learn more and believed the new Finance Committee might need to move faster so public comment can be obtained as to where they believe opportunities are for the City to save money.

Mayor Anderson said he believes numbers for failed initiatives have been greater than 50% but not sufficient to get a 2/3 vote which is encouraging, supported an A+B ballot measure in order to give people some certainty as to where the money will go in terms of priorities, which he believed would be worth the effort and supported Phase I. He hoped in the process, the Council will be able to take some of the devices of the consultant to make sure it has sufficient nuances captured and be able to compare it to information in other elections.

City Manager Falk said the consultant believes the poll will be on a very, very tight timeline in order to get results, craft a ballot measure, and get back to the City Council in time to place it on the November ballot. He recommended the Council appoint a subcommittee to work with the polling firm.

ACTION: It was M/S/C (Tatzin/Andersson) to direct the City Manager to engage Tramutola for Phase I professional services related to feasibility assessment, with option to proceed to Phase II planning, and public information services for a November tax election; and Allocate $71,000 from General Fund Reserve to program 11-540-861. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

Convene Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Federighi) to convene the Redevelopment Agency meeting. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

B. Mala Subramanian, City Attorney
Funding Agreement between the City of Lafayette and the Lafayette Library and Learning Center Foundation; Loan Agreement between the Lafayette Redevelopment Agency and the Lafayette Library and Learning Center Foundation; Use Agreement between the City of Lafayette and the Lafayette Library and Learning Center Foundation; and Logo License Agreement
Recommendation: Review and approve the Funding Agreement between the City of Lafayette and the Lafayette Library and Learning Center Foundation; Loan Agreement between the Lafayette Redevelopment Agency and the Lafayette Library and Learning Center Foundation; Use Agreement between the City of Lafayette and the Lafayette Library and Learning Center Foundation; and Logo License Agreement.

City Attorney Subramanian gave the staff report, stating there are four agreements that pertain to the Library that relate to funding and use of the Library, a loan to the Agency for construction of the Library, and a license of the logos associated with the Library. The Funding Agreement, Use Agreement, and Loan Agreement were presented to the Agency at its April 14th meeting. These Agreements have been revised in redline format and include the suggested revisions you requested as well as revisions presented by the Foundation. The Logo License Agreement was previously submitted for approval, but was not executed by the Foundation. The Foundation has requested additional revisions to this Agreement, which have been redlined. The Foundation is meeting to review all of the Agreements on April 23, 2008. Any additional comments will be presented orally at the City Council meeting.

She said staff's recommendation is for the Agency to review and approve the: (1) Funding Agreement between the City of Lafayette and the Lafayette Library and Learning Center Foundation; (2) Use Agreement between the City of Lafayette and the Lafayette Library and Learning Center Foundation; (3) Logo License Agreement between the City, the Lafayette Redevelopment Agency, and the Lafayette Library and Learning Center Foundation; and the (4) Loan Agreement between the Lafayette Redevelopment Agency and the Lafayette Library and Learning Center Foundation.

Funding Agreement

This Agreement has been revised to specify the City will maintain the Library and will pay an amount equal to the 2007-2008 fiscal year expenditures by the City for the

operation and maintenance of the existing Lafayette Library on Moraga Road, plus CPI, as requested at your last meeting. The Foundation also requested a revision to specify that the Library budget will not include any allocated costs for City or Foundation personnel or overhead costs unless such individuals or costs are directly related to Library operations.

Agency Chair Anderson asked that the agreement be revised to say, "Foundation shall be responsible for pricing, accounting and management of room rental for community hall and arts and sciences classrooms and other spaces, as approved and consistent with the City-approved room pricing and rental policy which shall be submitted by the Foundation for approval by the City and annually reviewed and/or updated."

Agencymember Anduri asked that the wording be changed to, "submitted by the Foundation and approved by the City…" and Chair Anderson agreed.

Chair Anderson asked for the first paragraph under Recitals be amended to read, *"A. The Lafayette Redevelopment Agency ("Agency") is in the process of constructing a new and expanded library building in the City of Lafayette, which shall be known as the Lafayette Library and Learning Center ("Library"). The Library includes the Glenn Seaborg Learning Consortium ("Consortium")."* And he said it was not clear as to the term of the Consortium being "included".

Vice Chair Tatzin believed it could say that the Library includes programs to be operated under the name of the Glenn Seaborg Learning Consortium, because the word "Consortium" is referenced elsewhere in the document, but it could indicate that what it really means is that it includes "programs".

Chair Anderson agreed the Recital should be changed to read, *"The Library includes programs of the Glenn Seaborg Learning Consortium ("Consortium")."*

Use Agreement

This Agreement has been revised to indicate that in addition to the Arts and Sciences Classroom and the Community Hall, other space as approved by the City will be available to the Foundation for its programming, fundraising and services. The Agreement has also been clarified to indicate that the Arts and Sciences Classroom and the Community Hall shall be exclusively reserved by the City for its meetings on all Monday evenings starting no later than *5* p.m. and Tuesday evenings starting no later than *5* p.m. that follow a Federal Holiday.

Chair Anderson questioned what the Consortium actually is; does the library include it as a subgroup or a place within the library, and he said he was not quite clear on what it is.

Vice Chair Tatzin suggested taking it out because the Consortium includes 12 partners who have agreed to put on programs at the library coordinated by the Library Foundation, and the Consortium does not occupy a "place" per se.

Chair Anderson referred to (G) of the recital in the use agreement and requested it be amended to read: *"G. Foundation desires to operate and manage the Consortium and provide financial support for Library programming, hours of Library operation ,*

maintenance, and collections pursuant to the Funding Agreement between the parties and staff."

Loan Agreement

The Loan Agreement has been revised for clarification purposes and all revisions are shown in redline format. The revisions include merging portions of Section 3(b) and (c) to simply the two subsections.

Logo License Agreement

The Logo License Agreement has been revised to include a longer term, which is the earlier of: (1) December 31, 2039; or (2) the termination of the Lafayette Library and Learning Center Use Agreement. The License now also includes the logo for the Glenn Seaborg Learning Consortium and explicitly approves the modification of the logo to include the Foundation as depicted in Exhibit "B" of the Agreement. The Agreement provides that the Contra Costa County Library System has the right to use the Logo for its operation of the Library under the same terms of the Agreement and that neither party may sublicense the logo without the written consent of the other Party, which consent may not be unreasonably withheld.

Public Comments:

JIM CUNHA, Foundation Treasurer and Board Member, said the Trustees have voted to approve the agreement, said the business plan pulls everything together to show where the various costs are coming from with the largest being the cost to operate the Library. He said the County will be stepping up with $600,000 to $950,000 because they will operate for 58 hours instead of 40 hours. The City's cost of $116,000 will go up to $420,000 which is the cost to maintain the building. The rest will be made up initially by the Foundation. The first year, the Foundation will put in $820,000 to balance the books. He discussed the work by their subcommittee, work with the City Attorney, their own counsel, used help from the Bank of America to review the financial model and everything except the Redevelopment portion was reviewed and tested by the bank. He said there are many variables that carry out the agreements, but essentially, room rentals will need to be set to cover the incremental cost to have the room open, so if its a non-profit group, they will need to determine the set up and break down costs and this was not put into the budget due to it being revenue and cost-neutral. He supported the changes discussed and hopefully they will not be at opposite ends of the spectrum at any time.

GUY ATWOOD said he signed a three-year lease for his 2,000 square foot building which was 45 pages, said this document is only 8 pages and encouraged the Agency to re-review the document and ensure everyone is comfortable with it. He voiced concerns regarding significant liability having to do with the City and the Agency's protection, requested getting from someone a schedule of the bonding amounts they anticipate in going forward under the RDA and believes it is important to know where the money is coming from and where it is going. He also said he has not read the document in depth, but did not see any arbitration clause in the document, which he felt would be important to facilitate any disagreements in the future.

Vice Chair Tatzin referred to the model and said Administrative Services Director Tracy Robinson laid out assumptions regarding when additional bonds would be sold and their amounts and believed the City could provide a schedule at the next meeting. He did not sense there was any liability created that the City/Agency would not otherwise have, but there is no obligation other than the existing General Fund contribution requirement to maintain the building as funds are provided largely by others. He said the only reason there would be default is if something would happen to the Agency or the Foundation doesn't raise enough money, and library hours would be reduced. He said there is no penalty for not paying off the bond to the City because the Agency and City are separate legal entities.

ACTION: It was M/S/C (Tatzin/Andersson) to continue the item to May 12, 2008. Vote 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

Adjourn Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Anduri) to adjourn the Redevelopment Agency. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

9. STAFF REPORTS

A. Leah Greenblat, Transportation Planner

Consideration of proposed reduction in speed limit from 45 mph to 40 mph on Pleasant Hill Road south of Old Tunnel Road

Recommendation: Adopt Resolution 2008-18.

Transportation Planner Leah Greenblat provided a history of how the item came to the Council, stating in 2001 the City received an MTC grant to review operational issues on Pleasant Hill Road. From this study and through an extensive community outreach effort, a corridor plan was developed. The plan was approved by the Council and identified a number of improvements intended to reduce vehicle speed, vehicle collisions and increase pedestrian and bike safety and access. One of the overall goals of the plan was to change the character of the roadway which would lead in a change in driver behavior to justify a lower speed limit. The City received a number of grants to fund construction of the first phases of the plan and while the full plan has not yet been implemented, the City has seen some of the goals achieved, and staff has observed and heard testimony of an increase in bike and pedestrian activity.

The City also has recently conducted speed surveys which recommend reducing the speed limit from 45 mph to 40 mph between Old Tunnel Road and Olympic Boulevard. The Circulation Commission recently considered this matter with significant discussion, and recommended the Council agree to lower the limit to 40 mph. Therefore, staff recommends adopting Resolution 2008-18 to lower the speed limit on Pleasant Hill Road from Old Tunnel Road to Olympic Boulevard to 40 mph.

Vice Mayor Tatzin said there has been discussion as to whether this is a good change and whether the road is more appropriate at 45 mph from a practical standpoint, as if someone is driving the speed limit at 40 or 45 mph and they go down the length of road in question, he asked how much longer would it take to travel that length with the reduction versus existing speed limit. Ms. Greenblat said she believed it was a 6-second difference in time.

Councilmember Anduri questioned why the speed could not be reduced to 35 mph and confirmed that a reason was because the survey does not support it, and Ms. Greenblat said one of the most effective ways of issuing speeding citations is to use radar and in California, the law is that in order to use that equipment a survey must be conducted and justified. She said it could be lowered but the equipment could not be used and then it would be difficult for the City to issue citations. She discussed a similar situation on Moraga Road where the speed limit was reduced without a survey to justify the reduced speed, and the police department refused to enforce the speed limit because tickets could not be justified. She confirmed that the 35 mph limit was north of Pleasant Hill Road and this particular area has schools, merging, on-ramps, etc.

Responding to a question from Councilmember Andersson, Ms. Greenblat said it is possible that as the Pleasant Hill Road corridor plan is implemented further, the speed will continue to be reduced such that a lower limit could be justified in the future.

Councilmember Andersson questioned the 85th percentile and how it is directly related to setting the speed limit. Ms. Greenblat said several speed counts are taken for a number of vehicles, at least 100, they look at what speed 85% of those drivers are driving or less. Then Caltrans rules and factors are applied and calculated, to consider conditions that might not be readily apparent to the driver such as collision history and roadway conditions. The idea behind it is people should drive at reasonable speeds given conditions of the area and road, and also not to create a speed trap for the everyday driver. If lowered to 35 mph without having justification of a traffic and engineering survey, the State considers this a speed trap and the judge could void the ticket.

Mayor Anderson referred to page 27 of the staff report's second and fourth paragraph, and confirmed the survey revealed drivers at 44 mph in one direction and 44.5 in the other direction. He was not sure how the City can justify 40 mph, given that criteria. Ms. Greenblat referred to the engineering and traffic survey on page 5, Mr. DeLeuw has identified some of those issues, one being the history of a high frequency of accidents on Pleasant Hill Road and this is why Police focus their enforcement on this road. Also related is the fact that the road is dark, with sporadic street lighting. At Olympic and Pleasant Hill Roads, there have been a number of collisions, as well, due to either running the stop sign. Another factor deals with the level of pedestrian and bike activity; a driver coming from the freeway may not expect to see pedestrians and bike riders, and lowering the speed will create a safer environment.

Mayor Anderson referred to Mr. DeLeuw's report, second to the last paragraph; "To the south of Old Tunnel Rd., a 40 mph speed limit is appropriate because of the continuing occurrence of fixed object collisions." And he asked what "fixed object collisions" referred to. Ms. Greenblat said Mr. DeLeuw views the reported collisions over a number of years when preparing the reports. These runoff of the road collisions might be where someone hit a pole, mailboxes, street name signs, or trees. A recent collision occurred when a driver crossed the median and hit an off-duty police officer.

Councilmember Anduri questioned if there was any consideration of lowering the speed limit and eliminating the light, and Ms. Greenblat said the light is separate from the speed limit, it is not intended to be affecting the speed limit but primarily for pedestrian and bike access from the neighborhood to the east who use it to get to school. It is also used for people to get back and forth to the bus stop up and down Pleasant Hill Road,

their mailboxes, the swim club, and sports fields. Prior to the signal installation, there were many collisions due to drivers making southbound left or U-turns at Condit.

Councilmember Federighi questioned if timing changes could safely be made for the light, and Ms. Greenblat said the light is set to rest on red, so if one is traveling up and down Pleasant Hill Road, the idea was that the signal would rest on red so that drivers do not see a green light and speed up.The light has video detection for vehicles approaching the light to switch to green. The timing of this is such that if you are going at a reasonable speed and there is no side traffic, then the signal should work such that one gets a green light when approaching Condit. If one is going greater than the speed, one would get caught with the red light. Councilmember Federighi questioned what speed it is currently set for, and Ms. Greenblat said it is in the 40-45 mph range.

Councilmember Anduri said he had an extended discussion with Mr. Coe and he believed he said speed reduction was a purpose for the light and he discussed how it is triggered. He drove yesterday north with no traffic on the road, the light turned red 200 yards away and he told her to stay at 40 mph because it will turn, and it did not, and it turned just as a car pulled up next to them. Ms. Greenblat said its primary purpose is not for speed control, but for bike, pedestrian and vehicle right-of-way safety issues. Because it rests on red, it has a secondary intent to control speed, but it is not primary speed control. As people travel at more reasonable speeds, the light should pose less of an issue.

Councilmember Andersson said 85th percentile is approximately 45 mph and going below that can cause greater discrepancies in speed and more accidents, and he confirmed 35 mph most likely was not justifiable, and Ms. Greenblat agreed and added there is a lot of justification in addition as to why one would go from 45 to 40 mph. He further questioned the analysis of speeds which collided with fixed objects, and Ms. Greenblat said the collision data reviewed is usually a summary of multiple traffic collision reports. The reports include how officers have cited the cause of the collision. Many of the collision reports cite the cause as due to unsafe speeding. Another level of analysis would review all of the actual reports instead of the summaries, and staff has access to the most recent ones.The traffic engineer would look at the type of collisions occurring in order to justify lowering a speed limit, they do not make recommendations lightly and the review and analysis is significant.

Public Comments:

ALFRED MICHON said he considers himself a 90th percentile driver, finds himself going 40-45 mph which he believes is too fast, there are bike lanes and many children commute to Stanley School which is a concern, agrees that the light does change randomly, and supported reducing it to 40 mph.

LINDA MURPHY said in the spirit of Slow Down Lamorinda she believes it is a good idea to lower the speed limit to 40 mph, said it is a main arterial road which is not inconsistent with having it 40 mph because it will help the neighboring areas in safety, and by lowering it will give people that much more of a comfort level. The more the people feel comfortable using the pedestrian path the better the community will be served safely.

PETER SIMONSEN said he loves the light and the way it works, believes it is an improvement, believes the area is much safer, supports lowering the speed limit to 40 mph, said there are many people and vehicles sharing the roadway and reducing it would add safety. He said he has come close to people hitting him from behind when pulling into his driveway off of Pleasant Hill Road.

VIVIAN HING believes the area is safer, likes the light, said the sidewalks have been installed they now walk and bike to work and shopping and it is a huge improvement for her family. She sees many people weaving and speeding, her kids take the bus everyday to school and supported lowering the speed limit.

KRISTA MCGUIRE voiced support for lowering the speed limit and ideally she would like it eventually be lowered to 35 mph once the corridor is completed. The section of 45 mph road is only ¼ mile long and the continuation drops down to 35 mph on each end and she wished it could be consistent. She said the road is used heavily, the multi-purpose path is not completed on either side of the road, and she believes the road is actually more dangerous at the far south end than ever now. She said by lowering the speed limit, it would remind people not to speed and that people share the area. She said it is frustrating to hear of towns not supporting traffic calming and hoped the goals achieved have not been discounted or forgotten, asked to remember homes that line the street, and she asked the City to lower the speed limit and also likes the Condit light, as well.

Councilmember Anduri complimented whoever designed the plantings along Pleasant Hill Road, believes the main point is that the road is a neighborhood street more than an arterial or collector and given only 6 seconds' difference and the improved safety is a great trade-off and supported the resolution.

Councilmember Federighi and Vice Mayor Tatzin both supported the resolution, as well. Councilmember Andersson said he was somewhat skeptical of the rationale, believes people are driving at higher speeds and there may be other related elements, but he agrees the road is very nice and he supported the resolution.

ACTION: It was M/S/C (Tatzin/Anduri) to adopt Resolution 2008-18 to reduce the speed limit from 45 mph to 40 mph on Pleasant Hill Road south of Old Tunnel Road. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

10. PUBLIC HEARINGS

A. Matt Luttropp, Associate Engineer
Public Hearing to Create Underground Utility Zone No. 8 along the entirety of Lafayette Circle
Recommendation: Continue without consideration to May 12, 2008.

ACTION: It was M/S/C (Tatzin/Federighi) to continue the item to May 12, 2008. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

BREAK

Mayor Anderson called for a break at 10:00 p.m. and thereafter reconvened the regular meeting at 10:08 p.m.

11. CONSENT CALENDAR

Vice Mayor Tatzin requested removal of Items G, H and L. Councilmember Federighi requested removal of Item F. Councilmember Andersson said he learned about a recent client conflict and said he would recuse himself from voting on Item B.

ACTION: It was M/S/C (Tatzin/Federighi) to approve Consent Calendar Items A, C, D, E, I, J and K. Vote: 5-0-0 (Ayes: Anderson, Tatzin,Andersson, Anduri, Federighi; Noes: None; Absent: None). Item B it was M/S/C (Tatzin/Federighi) to approve Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Abstain: Andersson).

A. **April 14, 2008 City Council Minutes**
Recommendation: Approve.

B. **Ordinance 574 Fourth Amendment to the Town Center Development for Property located north of Mt. Diablo Blvd., between South Thompson Road and the Dewing Avenue extension. APNs 243-040-034 to 037.**
Recommendation: Waive second reading of Ordinance 574 and adopt.

C. **Mt. Diablo Boulevard (Dolores Drive to First Street) Award of Contract for Project Number 014-9666**
Recommendation: Adopt project plans, specifications, and project details to conform to the Uniform Construction Account Act and award contract to Top Grade Construction, Inc. in the amount of $817,985.50.

D. **Community Park Children's Play Area budget adjustment of $11,525 to include design development, construction documents and construction support.**
Recommendation: Adjust the 2007/2008 budget to include $11,525 for design development, construction documents and construction support for the Community Park Children's Play Area.

E. **Lafayette Youth Commission budget adjustment of $2,800 for fundraising efforts.**
Recommendation: Adjust the 2007/2008 budget by $2,800 fund 11-145-866 for fundraising efforts and approve the use of $1,000 from reserve fund 11-350-0.

I. **Code Enforcement Activity Report**
Recommendation: Receive and file.

J. **Deferred Improvement Agreement for property located at 567 Merriewood Drive between Desmond and Kathryn Allen and the City of Lafayette. APN 237-280-0017**
Recommendation: Accept agreement and authorize the City Clerk to record.

K. **Agreement for Installation and Maintenance of Existing and New Landscaping between Lloyd and Mary Torchio and the City of Lafayette, located at 1164 Upper Happy Valley Road. APN 246-152-006**
Recommendation: Accept agreement and authorize City Clerk to record.

Items Removed for Discussion:

F. No Parking-Towaway Zone on St. Mary's Road east of Santa Maria Way
Recommendation: Adopt Resolution 2008-17.

Councilmember Federighi said she was persuaded by the Police Chief's letter, believes a no parking at any time is sufficient, as soon as the sign was put up, there has been no parking and if the City does need to make the area a towaway zone, she believes this might be self-defeating and overkill.

Police Chief Hubbard said when the problem was brought to him, the concern is that parking dramatically decreases sight vision to the left to look down St. Mary's Road causing a tremendous accident hazard. His concern is a towaway zone does not address the true problem of keeping people from parking there and eliminating the hazard due to the time a tow truck arrives, but serves more as a deterrent only. He spoke to Mr. Coe about installing decorative rock or a raised curb, making the area such that people simply cannot park in the area, thereby eliminating all hazards.

Councilmember Federighi said there were some bicyclists who are opposed to barriers, voiced concern with a precedent-setting of making towaway zones rather than just red zones and the amount of time it might take the City to tow the car and she might be persuaded differently if the no-parking signs were not effective.

Councilmember Anduri believed that in either option, it will be posted "no parking". One option can be "no parking and towaway zone", which he believed would have a greater deterrent factor than just the "no parking" sign.

Public Comments:

SUSAN CALLISTER said the turn at the top of Santa Maria Way is one of the most dangerous intersections, said last month the City installed temporary "no parking towaway" signs which appeared to work but for two days during real estate open houses, the signs were moved and cars parked there and no one got tickets and no one was towed. She agrees with Councilmember Anduri in that towaway zones is a deterrent and people will park there if it simply indicates "no parking." She urged the Council to approve what the Circulation Commission recommended and review the number of cars towed at the end of this year.

Vice Mayor Tatzin confirmed with Ms. Callister that if permanent signs were put in, she believed people would park there on the basis that no one will tow their car and they will hurry and park and if they get a ticket, they will pay for it.

JENNY KALLIO echoed speaker comments, supported the towaway zone signs and said ever since they were installed no one has parked in the area except during the open house event. All neighbors are happy with not having parked cars at the corner and she asked the Council to implement the "no parking towaway" signs.

Councilmember Federighi questioned if she would be agreeable to the "no parking" signs and if it did not work after a period of time to revisit the towaway zone signs, and Ms. Kallio did not, said the area is extremely dangerous and she believed the towaway signs would be a big deterrent.

Councilmember Andersson agreed with Councilmember Federighi; it is appropriate to try a "no parking" sign and see if this is effective and at the same time look into an approach that would make it difficult or impossible to park there.

Councilmember Anduri questioned if "no parking towaway" zones were anywhere else in the City, and Police Chief Hubbard said the process for towing the vehicle is that the Vehicle Code allows for towing a vehicle that is parked in a specified place. They have a contract with Lamorinda Tow Service and a police employee would go to the scene, inventory the car, fill out paperwork, have the vehicle towed and then complete a police report. If it were private property, Lamorinda could tow the vehicle without police being involved.

Vice Mayor Tatzin said in other parts of town there are no parking zones without a towaway and he questioned how often vehicles are towed, and Police Chief Hubbard said they are periodically towed.

SUSAN CALLISTER said if there is simply a "no parking" sign there, those who park there and do work around the neighborhood for an hour or so, it will not be a deterrent because no one will give them a ticket, but with a "no parking towaway" it acts more as a deterrent.

LYNN HIDEN said the Circulation Commission heard the item twice; once before and once after the Police Chief's recommendation and she was opposed to installing rocks. She believed the "no parking" signs do not tend to be terribly effective and cited a car parked right on top of the walkway along the new pathway on the south side of St. Mary's Road opposite Stanley School in a "no parking" zone, and therefore, she supported the "no parking towaway" signs.

Councilmember Anduri questioned why this location should have the towaway zone and Ms. Hiden said she felt the site distance is so bad and speeds tend to get high and believed it was a safety hazard.

Councilmember Federighi said she still recommended installing "no parking" signs rather than the "no parking towaway" zone and is willing to revisit it if ineffective.

Mayor Anderson did not agree; he understands the need to have the ability to tow a vehicle when that vehicle may create a hazard which he feels is the case here and this rationale works. In other situations it may not be so critical that the vehicle be moved, but in this case, people cannot see and it is dangerous.

ACTION: It was M/S/C (Tatzin/Anduri) to adopt Resolution 2008-17. Vote: 3-2-0 (Ayes: Anderson, Tatzin, Anduri; Noes: Andersson, Federighi; Absent: None).

G. Draft Lamorinda Action Plan Update
Recommendation: Forward attached draft letter, table of comments and correspondence on the April 2, 2008 Draft Lamorinda Action Plan Update.

Public Comment:

GUY ATWOOD said he was not recommending not forwarding the item on, but said the item needs public input, it affects many people. He said he knows the Circulation

Commission heard the item, the entire time they discussed comments by Commissioner Hiden and at the end of the meeting Ms. Greenblat asked Commissioners if they wanted to discuss her comments which had not been seen. He believed the Council is going to pass on a document that the Commission has not even reviewed and he still thinks the idea of a park n' ride or carpool lot in the City should be where people would use it, it will not increase a burden to the community, and this option should be included in the Action Plan.

Councilmember Federighi said the item was before the Council and the Council did ask questions regarding the matter.

ACTION: It was M/S/C (Tatzin/Federighi) to forward attached draft letter, table of comments, and correspondence on the April 2, 2008 Draft Lamorinda Action Plan Update, with the change on the first page "City of Lafayette Comments" and exclude the word, "Commission" and add in the letter as 37A that a park n' ride facility be considered along Pleasant Hill Road. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

H. Mt. Diablo Blvd. Pathway from the Lafayette Reservoir to Village Center – Report from Work Scope Meeting on April 14, 2008
Recommendation: Direct staff to forward the consensus design of the pathway to EBMUD for the preparation of construction plans.

Vice Mayor Tatzin noted the receipt of two letters which both suggested trying to address the pathway at 6.5 feet wide and pass this onto EBMUD and see how far we get. Mayor Anderson noted a new idea was the cantilevered deck around the oak, the oak tree encroaches into the area that people would like to have widened for the 10-foot path, the oak was something to keep, and this would provide some relief on the street side by not having a curb there so people could use the bike and walk lane in the one area.

City Manager Falk said his concern is that the process was managed with joint committees, the Mayor helped to bring a number of divergent views together around a single plan and if something is added, this may unwind the process.

ACTION: It was M/S/C (Andersson/Tatzin) to direct staff to forward the consensus design of the pathway to EBMUD for the preparation of construction plans. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

Convene Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Andersson) to convene the Redevelopment Agency. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

L. Adjustment to the 2007/2008 Downtown Strategy budget to include additional Advisory Committee meetings
Recommendation: Increase the budget program 91-960-861 by $15,000.

(13.C)

C. Letter dated April 20, 2008 from the Lafayette Homeowners Council regarding the Downtown Strategy.
Recommendation: Discuss and direct staff.

Community Development Director Ann Merideth said an Advisory Committee meeting was held last week, and they held a discussion with the Mayor, City Manager and three consultants about re-working the process with the committee in order to have more time to discuss all issues. At the end of the discussion, it was the consensus of the Committee to hold a couple of more meetings to go through the preliminary preferred concept prior to having it go into the drafting stage would be more helpful. This is what is being proposed; to add two additional meetings in the scope of work and budget. She said they want to hold them in May and/or by June, and she will have specific dates the next day after speaking with the consultants.

Councilmember Federighi questioned if this included a date for a community workshop, and Ms. Merideth said no, this is not yet scheduled and would probably be held in the fall.

Mayor Anderson felt there was also an option for the committee to meet without the consultants as well, and they are just trying to make it work as best as possible.

Public Comments:

SUSAN CALLISTER said the Lafayette Homeowners Association sent a letter dated April 20th and requested it be incorporated into the record, said the City has a lot on their plate they are working on, this is a very big issue and asked the City to step back and not spend the $15,000 on consultants, suggested having the advisory committee meet just as themselves without the consultants in order to see what is going on. There are some alternative concepts, but we do not know how we got to their conclusions, such as 1,000+ units to be located downtown.

Mayor Anderson agreed that the committee could meet separately, but wanted to move the item forward to get the consultant's schedule moving.

GEORGE BURTT said this would also be the opinion of the Acalanes Homeowners Association who met last week. He presented the Preferred Concept Land Use which stopped in its tracks last week, noted the new potential for residential is 1,231 dwelling units, said he presented the information to the association and the conclusion is that it would take away the town that they love and care about. The consultant was pressed when asked why this was proposed, he indicated he took what was available in the City's general plan and what could be built out, and Mr. Burtt requested a new downtown residential plan be worked out and not something that could potentially be built out.

SCOTT HONEGGER, Chair of the Creeks Committee and Delegate to the Advisory Committee, endorsed comments, believes there should be advisory committee meetings without the consultant present, asked to talk about their work product, their process management, expertise and performance, and he believes the consultants are overwhelmed with information and with what they are being asked to respond to. He also has significant personal frustration in trying to perform his function as an advisory committee member in that how can he review or guide something that he does not fully understand.

LYNN HIDEN said they were at the Library display and they could not figure out the streets and developments on the display, as it was 9 feet tall and the print was very small. Therefore, the forms were not filled out as a result. When she served on the general plan advisory committee, we met mostly by ourselves, we reviewed the consultant's recommendations and re-wrote them, and their best discussions were when they were on their own, and she therefore highly recommended several more meetings be held.

CAROL SINGER agrees with everything that has been said, said the advisory committee held a meeting with the City Manager, who indicated that the Council has intended that the advisory committee is responsible for the final product; however, there is no one who knew that or thought that. She said members never had any material before or after meetings, walls would be lined with charts, they would see PowerPoint presentations, and said the advisory committee never discussed the matter together without the consultant, and she said this is what they believe should happen.

Councilmember Federighi questioned if there has been any consensus from the last workshop. She also questioned whether the public has responded. Ms. Singer said they surveyed people at the workshop, received the survey but information has not been put together with the first survey, said only 9 surveys were returned because many people cannot figure out the survey.

City Manager Falk said he believes there are certain things the consultant could have done better such as labeling the streets or doing a better job with the library display, but the Council faces a difficult question—this process was designed deliberately, the consultant has sent surveys to every household and received 2600 responses back, they conducted individual interviews with people representing many interest groups in town, they have conducted focus groups, met with dozens of key downtown property owners, held two different workshops and their job is to analyze and synthesize the information and present a preferred alternative that is based upon that information. So, the task of the advisory committee is not necessarily to drive the shape of the preferred alternatives but to review the consultant's work and not to choose what the outcome will be but rather to ensure the consultant is following along with the work plan established by the City Council at the onset. The advisory committee members have indicated they are not seeing the background data that supports the consultant's indication that there will be more housing in the downtown, which is something he and the Mayor discussed with the consultant, and they asked them to do a better job of presenting the data behind their conclusions.

Councilmember Federighi questioned how long were people consulted on the telephone, and Ms. Merideth said at the last meeting, the consensus was that the members figured out how to go forward if it takes subject by subject and go through the work of the consultant and this will occur in the next two meetings. At the same time, since the meeting was to occur on May 12th, she will provide an update on everything that has happened in terms of public input. She said the committee has received copies of all public input, they have asked to have more of an analysis of it, and there has not been any telephone interviews conducted, but they were personal interviews.

Ms. Merideth suggested putting all of the things that have happened in writing and she can provide this to the Council at the next meeting as part of an update. She thinks the next steps will be meeting without the consultant and reviewing what has occurred.

Mayor Anderson agreed this will be important, asked staff to provide an update to the Council, and members can also be present and make comment as well. He questioned the timing on the recommendation, and Ms. Merideth said the consultant wanted to get this piece done before the summer. They discussed having a meeting next week and another four weeks later, and she can provide the update at the next Council meeting.

Mayor Anderson said there is concern from people to have an opportunity to discuss this as citizens, he did not know if this would push back the consultant's schedule or not, said he knows there was a sense to move forward with two sessions to review specific parts of the planning process that were laid out and suggested considering the item. He proposed to the Council that he will work separately to have the committee meet together and then afterwards, they will schedule the first of two meetings with the consultant.

Vice Mayor Tatzin preferred that when a report comes back that members of the committee are not surprise with what is in it. This does not mean they have to agree with it all, but they should not be surprised. Councilmember Anduri questioned if the Mayor anticipates the meeting will be on process or substance, or both, and Mayor Anderson believed it would be about both and he hopes for people to better understand what they feel is lacking in terms of information and processes, as well as share concerns.

Councilmember Andersson believed there were two fundamental issues that need to be clarified without the consultant; 1) the consultant had gone from point A to point D without clarifying where B and C were; and 2) what is the role of the advisory committee and he believed much of it depends on how much control the committee wants to take for the process.

Councilmember Federighi said this was something the committee embarked on because they wanted to know what the community consensus was because this has to do with the type of community people want in 30 years. Therefore, she sees it as the start of a community buy-in, as well. Mayor Anderson believes everyone agrees with this, but he believes the consultants are known for processing and crystallizing data into plans and he believes some work needs unwinding to understand what the process is.

Councilmember Anduri said there was a fixed price of $500,000 for their services, and because of extra meetings they are requesting more, and Ms. Merideth said the Council approved each meeting and their cost which was part of the scope of work.

SUSAN CALLISTER said she did not believe the City should pay the consultants any more money, as they have not followed their scope of work or provided their deliverables. She questioned where the economic analysis was, the analysis of the maintenance items, and asked staff to go back and look at their contract.

Councilmember Tatzin questioned what happens if the request is continued, and Ms. Merideth said the committee is asking for additional meetings with the consultant and by themselves. Mayor Anderson said the committee agreed to go two more meetings with the consultant to explore the basis of the planning process and this is a change work

order. All we are doing is inserting more meetings at the request of the committee to better understand the basis of what is going on. There is also a desire to meet separately without the consultant and he supported that. Therefore, passing this item represents the next step of getting back on solid ground with everyone.

ACTION: it was M/S/C (Anduri/Andersson) to increase the budget program 91-960-861 by $15,000. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

Mayor Anderson thanked everyone for their participation and hoped to better understand the process and communicate with the consultant ways to make it better.

Adjourn Redevelopment Agency

ACTION: It was M/S (Tatzin/Federighi) to adjourn the Redevelopment Agency. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

12. COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.

Vice Mayor Tatzin said in the Moraga Triathalon, he, Mayor Anderson and Councilmember Andersson participated and won the City Council division and the City Manager Division was won by Orinda due to athletic skill and little participation, Councilmember Andersson complimented the event.

B. Steven Falk, City Manager
Discussion of Increasing Police Costs and Options for 2008/09 Budget
Recommendation: Discuss and direct staff.

City Manager Falk said the City has contracted with the County for police services for about 40 years, it has been a good relationship and three other cities also contract for services. San Ramon chose to abandon their contract 1.5 years ago. He spoke of the many advantages and benefits of contracting services as well as the Sheriff's Department contracting to cities. The Sheriff has been generous in providing services and absorbing costs, discussed their academy which recruits fine officers, but the contract is becoming very expensive and more so in the next fiscal year due mostly to the County's retirement system.

He said it will cost Lafayette $180,000 to employ one deputy for a year compared to $140,000 in Walnut Creek. He also received a letter from the County Administrator that due to GASB regulations, they will be allocating the pro rata portion of employee benefits to the contract cities. Therefore, they have been informed the surcharge will be approximately $3,900 per officer, or $75,000. Additionally, the sheriffs are in negotiation with their contract and costs will likely rise as a result. Staff is trying to put together the draft budget, anticipate there will be a 10% increase in police services next year, or a $300,000 increase. Further, the State will eliminate the COPS program which sub-vented $100,000 to the City. In addition, the cities of Orinda, Danville, and Oakley are all equally concerned about this.

He said the benefits of the contract are great, but at some point, the question should be asked as to whether the higher benefits justify the higher costs the City pays and he believed it was time to ask this question. He asked staff to add $50,000 to the police budget

to do a study on this, he has held conversations with the City of Orinda and Moraga to determine whether there is interest in forming possibly a Lamorinda Police Department. He also discussed this with the City Managers of Walnut Creek and Danville to see if there is an opportunity for Walnut Creek to serve as Lafayette's contract agency, and presuming the Council does allocate funds for the study, those cities who choose to participate in the study would hire a consulting firm to look at options and alternatives. He also said the City must provide a year's notice to the Sheriff.

Vice Mayor Tatzin said in addition, there is a positive change the Alamo incorporation will be successful and they will most likely start out being a contract city, and he suggested the City Manager contact them to question whether they might want to join in. He discussed the matter with a Danville Councilmember at the ABAG conference, they recently switched two positions from sworn to non-sworn which resulted in substantial savings and he questioned if there was opportunity for Lafayette to do this. City Manager Falk said they did this with one officer who is a school resource officer.

Vice Mayor Tatzin said also, Lafayette did not make the County's financial decisions; however, we have benefited from them over the years, and at some point he believed the City should consider if there is anything owed to them.

Mayor Anderson said the Council will hear more on the matter in the future and thanked the City Manager for his report.

13. WRITTEN COMMUNICATIONS

A. Letter from George Johnson, President, County Engineers Association of California, request for assistance in funding the Statewide Local Streets and Roads Needs Assessment Study.
Recommendation: Discuss and direct staff.

ACTION: It was M/S/C (Tatzin/Federighi) to receive and file. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

B. Letter from the Contra Costa County Area Agency on Aging requesting letter of support opposing cuts in proposed Adult Protective Services.
Recommendation: Discuss and direct staff.

Vice Mayor Tatzin said he believed he did not have enough information that this is a more important program than others and did not want to take a position. Councilmember Anduri agreed and believed there will be many to follow.

ACTION: It was M/S/C (Tatzin/Andersson) to receive and file. Vote: 5-0-0 (Ayes Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

14. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Federighi) to adjourn the meeting at 11:55 p.m. to the next regular meeting on May 12, 2008. Vote: 5-0-0 (Ayes Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

APPROVED:

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Mike Anderson, Mayor

ATTEST:

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Joanne Robbins, City Clerk